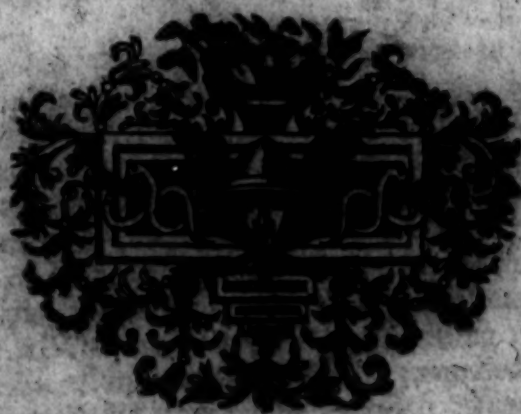


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THE
REPORT
OF THE
Gt. Brit. COMMISSIONERS
Appointed to Inspect the
ACCOUNTS
OF THE
Masters in Chancery,
MADE

To the Lords of his Majesty's most
Honourable Privy-Council.



L O N D O N :

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*To the Right Honourable the Lords of
the Committee of his Majesty's most Ho-
nourable Privy-Council.*

May it please your Lordships,



HAVING on the thirteenth of *November* last, received your Lordships Orders to inspect the Accounts given in by the Masters and Usher of the Court of *Chancery*;

And also to see that each Master should give an Account of the Money and Securities in the Hands of his Predecessor, at the Time of his Death, or Resignation, and how

it has been since made good;

And likewise to take an Account of the Money and Securities in the Hands of the Masters and Usher, and to inspect each of the said Securities, and to take an Account of the Number, Date, and Nature of each Security, and to desire Satisfaction concerning the Cash, with which each ~~Master~~ stands charged; and to make such Observations upon the said Masters Accounts as we should think might be for the publick Services;

master

We immediately endeavoured to pay Obedience to your Lordships Commands; and, in the first Place, apply'd our selves to consider what was the proper Method of forming a Charge upon the Masters and Usher, of the Money, and Securities delivered to them by their Predecessor; and likewise of what has been received by them, in their own Times, either for Deposits, or by Order of Court.

We could think of no other Methods of forming such Charge, but by Assignments from the preceding to the present Masters, and by Schedules, or from the Acts of the Court, or by proceeding upon the Foot of their Accounts, delivered in to your Lordships, examined by their Books.

Upon Enquiry we found there were no such Assignments by Schedules.

In the next Place therefore we consider'd, whether it was practicable to fix a Charge upon them, from the Acts of the Court; and for this Purpose we were attended by Mr. *Goldsborough*, one of the Registers of the Court, and Mr. *Odes*, Master of the Report-Office, who have inform'd us, that no proper Charge can be framed out of the Registers Office,

fic, because, tho' the Orders for Payment of the Money into the Masters Hands are enter'd there, yet such Orders will not be a Charge upon them, till they have actually receiv'd it; and these Orders are so intermixed with all other Orders of the Court, that it will be a Work of much Time to extract them from the rest.

As to the Office where the Reports are filed, (which Reports are the Acknowledgements of the Receipts by the Masters, of the Money paid in to their Hands, by Orders of Court,) we found there could be no proper Charge established from thence, because they both acquainted us, that according to the ~~last~~ Estimate they could make, one fourth Part of the Reports are never filed, the Solicitors keeping them in their own Hands, to save Expence.

We have therefore taken the Accounts as delivered into your Lordships; and tho' they discovered some small Mistakes in them, yet we did not apprehend they were of such Consequence, as to direct them to make out new Accounts, which would have occasioned much Trouble, and Loss of Time.

And, for the better clearing of those Accounts, we first inspected several of their Books, and in several Causes, examined the Sums that they charged themselves with; and likewise the Securities that had been ordered to be taken by them in such Causes, to see how the same agreed with the Accounts laid before your Lordships, and we found their Books in all Places, where we examined, to agree with those Accounts; but to have collated all their Books with these Accounts exactly, and carefully, in every one of these Causes, would have required some Months, and have delay'd this Enquiry for a much longer Time than we presum'd your Lordships would have thought reasonable.

But for the more speedy and exact Search into the Truth of these Accounts, we have taken the Oath of each Master, and of the Usher, upon their voluntary Offers, except Mr. *Kinaston*, whose Affidavit is herein after mention'd; and each of them has separately sworn, that to the best of his Knowledge, without any willful Omission, he has given in a true Account of the Moneys and Securities received from his Predecessor, not yet paid or deliver'd to the Suitors, (except Mr. *Edwards* and Mr. *Thurston*, and the Usher of the Rolls, who do not charge themselves with a general Account of the Moneys and Securities belonging to the Suitors in the Hands of their Predecessors, but begin their Accounts from the particular Periods herein after mentioned; the Reasons whereof we shall have occasion to observe to your Lordships.) And they have all likewise sworn, that to the best of their Knowledge, and without any willful Omission, they have given a true Account from the Time of their entering into their respective Offices, of all Securities, and of all Monies received by them, either by Deposite, or by Orders of Court, in any wise belonging to the present Suitors of the Court; and that those Securities were then intirely in their own Power, for the Benefit of the said Suitors.

In the next Place, we have taken an Account of the Securities in the Hands of the said Masters and Usher, and of the Number, Date, and Nature of each Security; and, for greater Exactness therein, we required the said Masters and Usher, to give a numerical Account of their *South-Sea* and *East-India* Bonds, before the taking their Accounts, which they accordingly comply'd with, in order that they might be the more readily call'd over, and the Bonds in the Hand of each Master the more easily and exactly distinguish'd. We have also received Certificates from the several Companies of the Stock mentioned in their Accounts; we have likewise

likewise examined the Orders of the *Exchequer* produced by them, and the Dates and Contents of the Mortgages.

In the next Place, we consider'd the Ballance of Cash in the Hands of the several Masters and Usher, and in taking these Ballances, by way of Caution only, we examined the Security of each Master, at the same Time that we inspected his Ballance, so that no Part of the Securities might appear to us at a different Time, in another Shape. Such Ballances as consisted in Cash, Notes or Money, were produced to us at the same Time that we inspected the several Securities; we also took down the Particulars of each Ballance; and as to such Part thereof as consisted in Government-Securities, Bonds or Notes, we set down the Numbers Dates, and Contents thereof.

We also examined the Masters upon their several voluntary Oaths, and each of them (except Mr. *Knahton*, whose Affidavit is hereafter mentioned, and Mr. *Lightbourn*) has severally sworn, that such Effects, by them severally produced, were then at their own Disposol, to answer the Monies due to the Suitors of the Court; and that they were not accommodated or lent to them by any Person whatsoever, to answer the present Purpose of accounting. And Mr. *Lightbourn* did not swear, that the Effects produced by him were then at his own Disposol, to answer the Monies due to the Suitors of the Court, but only in general, that they were at his own Disposol, and not lent to him for the present Purpose of accounting.

Having thus stated to your Lordships the Method in which we proceeded to take these Accounts, we have in the Schedule marked N^o (1.) laid before your Lordships in one general View, the total Charge upon the Masters and the Usher, amounting in Securities and Money to 925711 l. 19 s. 4 d. Farthing, viz. the Securities belonging to the Suitors of the Court, amounting in the whole to 696352 l. 13 s. 4 d. and likewise the remaining Ballance of Cash in each of their Hands, amounting in the whole to 229359 l. 6 s. and we have inserted the long Annuities in the Hands of the respective Masters, in the last Column, because they are under no certain Valuation, and therefore not included in any of the gross Totals; but in these Sums we have not included the Demands upon Mr. *Dormer*, and Mr. *Borret*.

In the Schedule mark'd N^o (2.) is represented to your Lordships the Particulars of the Securities in distinct Columns, according to their several Natures and Species, in the Hands of each Master and the Usher, which belong to the Suitors of the Court; to which is added, the Total of each Sort of Security contained in the foregoing Particulars, amounting to the Sum of 696352 l. 13 s. 4 d.

We have, in the next Place, under the Names of each Master, and of the Usher, laid before your Lordships the Particulars of the several Effects which they have produced to us, to answer their several Ballances mark'd N^o (3.) and Mr. *Holford*, Mr. *Lovibond*, Mr. *Godfrey*, Mr. *Lightbourn*, Mr. *Conway*, Mr. *Elde*, Mr. *Thurston*, and Mr. *Trevor* the Usher, have produced to us the several Effects in their Particulars mentioned, to answer their respective Ballances; and they have laid before us such Effects, or proper Vouchers for the same, consisting in Money, or Stock and Bonds that are daily convertible into Money; and we think our selves obliged to do this Justice to Mr. *Lovibond*, to observe to your Lordships, that he has produced to us (according to the present Value of Stocks) to the Amount of 30000 l. and upwards, more than his Ballance; and, at the Request of Mr. *Lightbourn*, we presume to acquaint your Lordships,

that he offer'd to bring his whole Ballance in ready Money; but, at our Desire, he brought the same in the Particulars specified in his List.

Mr. *John Benner*, in his Ballance, has produced in Cash in the Bank, and in the Hands of Mr. *Fowler*, the Goldsmith, and in *South-Sea* Stock, 12201 l. 13 s. 5 d. for which we have seen the Vouchers; but he brings in a real Estate, which he values at 19500 l. to answer the Sum of 17541 l. 6 s. 7 d. being the Remainder of his Cash-Ballance, and has sworn, that such real Estate is of that Value, and more, and free from Incumbrances; but we had not Time to examine the Titles of such Estates, and must submit to your Lordships, whether real Estates are such a Satisfaction concerning the Cash, as your Lordships intend by your Instructions.

X Mr. *Edwards*, to answer his Ballance of 13908 l. 19 s. 7 d. Half-penny, has produced to us the Sum of 12310 l. 8 s. 9 d. in Money and Effects, proper to answer a Cash-Account; but for the Sum of 1598 l. 10 s. 10 d. Half-penny, being the Remainder of his Cash-Ballance, he brings in his Chambers, which he values at 300 l. and private Securities, not specified, for 1500 l. because he desires to be excused from discovering the Particulars of the said 1500 l. he has given in an Estate of 346 l. *per Annum* in Houses, in *Warwick-Court*, which, he affirms upon his Oath, are free from Incumbrances.

20850 X Mr. *Kinaston*, to answer the Cash-Ballance of 33207 l. 1 s. and a Farthing, has produced in Money and Effects, daily convertible into Money, to the Amount of 6275 l. 15 s. 11 d. and to make up the Remainder of the Cash-Ballance, amounting to 26929 l. 5 s. 1 d. Half-penny, he has brought us in an Article of 7575 l. deposited in the Hands of Persons whom he represents of Ability sufficient to answer the same, but refused to discover to us the Names of such Persons, till he shall be obliged so to do. He has likewise brought in three several Sums mentioned in his Particular, amounting together to 20850 l. 19 s. 2 d. made up of Bank Stock, *South-Sea* Stock, and *South-Sea* Bonds, *East-India* Bonds, and Cash intrusted by him with Mr. *Delabay*; but we are informed by Mr. *Kinaston* himself, that there is no Declaration of Trust by the said Mr. *Delabay*, concerning any of the said Particulars; that the said Mr. *Delabay* died the 26th of *June* last, intestate, and that no Person, as yet, hath taken out Administration to him, the Right thereof being now in Contest. Mr. *Kinaston*, on the 3d of this Instant *December*, attended us, and proceeded on his Account, so far as the Affair of the said Mr. *Delabay*, on which Matter Objections being made, he desired Time till the next Morning to clear the same; but being taken ill that Night, which prevented his further Attendance, he sent us the Affidavit annex'd, whereby he swears, that he hath deliver'd a true and full Account of all the Causes, in which he has received Money, and the Securities belonging to those Causes, to the best of his Knowledge and Belief, except that in the Cause of *Atkins* and *Atkins*, there is an Error of 1 l. 14 s. 7 d. in the Cash-Account; and in the Cause of *Price* and *Jones*, there is an Error of 2 l. 2 s. 6 d. in the Cash-Account, which Sums are due to those Causes, more than he has charged himself with; and also that in the Cause of *Musgrave* and *Parry*, there is a Box in his Chambers, which the Receiver, appointed in that Cause, has the Key of, wherein, he says, there are, as he is inform'd, two Mortgages, and some other Securities; but the same now remains in the same Condition as they were delivered to him by his Predecessor; and he thereby further swears, that the Notes, Money and Cash shewn to the Judges, is his own proper Money and Effects, and at his own Disposal, to answer the Suitors of the Court, and not lent by any Person to answer this

this Purpose of accounting, and he thereby further swears, that upon a full Examination of the several Transactions between him and the said Mr. Delabay, and of the Receipts and Vouchers thereunto, he verily believes, that the said Mr. Delabay was, at the Time of his Death, indebted unto him for South-Sea and Bank Stock, South-Sea and East-India Bonds, and Cash, the several Sums of Money mentioned in his Account delivered into Mr. Baron Gilbert, and others, in that Behalf appointed, and in a much greater Sum, over and above all Monies, ~~received~~ by him of the said Mr. Delabay, or for his Use, or by his Order, and over and above all Moneys, for which he is any ways accountable to the said Mr. Delabay, as he verily believes; and, in order to shew that Mr. Delabay died responsible, a Copy of an Inventory of his Effects in London, taken upon a Commission of Appraisement, amounting to 20847 l. 4 s. 11 d. hath been laid before us. But supposing this to be a ~~small~~ Debt, yet we think it to be of dangerous Consequence for a Master, without Direction, to put the Effects belonging to the Suitors into private Hands, whereby he disables himself from issuing the same, according to the Order of the Court.

Mr. Tho. Bennet, to answer the Ballance of his Cash, has produced in Bank Notes, Goldsmiths Notes, and Stocks, the Sum of 13961 l. 18 s. 10 d. and, in order to make good the Remainder of his Cash-Ballance, being the Sum of 8932 l. 14 s. 7 d. Half-penny, has brought in the Sum of 9075 l. in the Hands of Persons whom he represents to be of undoubted Substance and Ability, desiring to be excused from discovering their Names till he shall be obliged so to do; which therefore to us is unsatisfactory.

Mr. Edwards begins his Account from the 18th of May, 1721, and does not charge himself with any Money or Securities received by him from Fleetwood Dormer, Esq; his Predecessor; the Reason of which (as he informs us) was, that Mr. Dormer, about Christmas 1720, absented himself from his Office, and retired beyond Sea; that from thence he writ to Mr. Rogers, the then senior Master, acquainting him with the bad State of his Affairs, and that he was ready to resign all he was worth in the World, for the Benefit of the Suitors. And he also inform'd us, that Mr. Dormer, on his Return, viz. about the 1st of May 1721, sent Mr. Rogers an Account of the several Debts due to the Suitors, which amounted to 49604 l. 11 s. 11 d. the Particulars of which are mentioned in the Schedule, mark'd N^o (4.) annex'd to this Report; as also an Account of his own Estate, as he has delivered it in to the said Mr. Rogers, which is added in the same Schedule; but this Account is not totall'd, nor could any Estimate be then made of every Particular.

Mr. Edwards further inform'd us, that on the 18th of May 1721, he was admitted into Mr. Dormer's Office; and some Time after received of Mr. Rogers 5000 l. as part of Mr. Dormer's Estate, which Sum was by him applied to answer the Demands of the Suitors of the Court, upon the said Mr. Dormer; and nine of the Masters, viz. Mess. Rogers, Hiccox, Holford, Lovibond, Bennet, Godfrey, Conway, Borret and Fellows, paid 500 l. each to Mr. Edwards, towards the Payment of Mr. Dormer's Debts to the Suitors.

Mr. Dormer, by Indenture of Lease and Release, dated the 27th and 28th of June 1721, conveyed to Mr. Hiccox and Mr. Rogers, for three Lives, the Parsonage of *Senkley*, and divers Lands in the County of *Bucks*; and by other Indentures of the same Date, in like Manner, convey'd to them, for three Lives, divers Messuages in *Chichester Rents*, in *Chancery Lane*; and by Indenture dated the 29th of June 1721, assign'd

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to them the Residue of two several Terms, for Years, in a Messuage in or near *Hanover-Square*, upon Trust, to sell the same, and dispose of the Money in such Manner as the Court shall direct.

Mr. *Hiccox* and Mr. *Rogers* thereupon contracted with *Thomas* and *Joseph Hedges*, for the Sale of the *Buckinghamshire* Premises, for 1500 l. and with — *Sutton* for the *Chichester* Rents and *Hanover-Square*, for 2110 l. but Mr. *Dormer*, at the same Time of his making these Conveyances, being indebted to Mrs. *Armorer* in 450 l. Principal, besides Interest and Costs of Suits on two Judgments, the Purchasers refused to pay their Purchase-Money, till Mrs. *Armorer's* Debt was discharg'd, whereupon Mr. *Hiccox* and Mr. *Rogers*, on the 1st of *June* 1723, petition'd the Lord Chancellor, that he would direct Mrs. *Armorer's* Debt to be paid out of the Purchase-Money, and the Remainder might be paid to Mr. *Edwards*, for the Benefit of the Suitors; which was order'd accordingly. And, in Pursuance of that Order, Mrs. *Armorer's* Debt and Costs, being 515 l. 15 s. was paid her, and the Residue of such Purchase-Money, being 2046 l. 4 s. was paid to Mr. *Edwards*.

3094. That Mr. *Wilson* of *London*, Goldsmith, being indebted to Mr. *Dormer* in the Sum of 24046 l. 4 s. by Deed, dated *July* 26, 1721, the said Mr. *Dormer* assign'd that Debt to Mr. *Edwards*, towards answering the Demands of the Suitors of the Court; but Mr. *Wilson* falling into bad Circumstances, and being unable to pay the whole Debt, desired to come to Composition: Whereupon Mr. *Edwards* preferr'd his Petition, *June* 30, 1722, to the Lord Chancellor, that it might be refer'd to one of the Masters, to see if such Composition, proposed by *Wilson*, would be for the Benefit of the Persons intitul'd to receive the same; which the Lord Chancellor granted: And Mr. *Hiccox*, to whom it was refer'd, on the 26th of *July* 1722, reported, that Mr. *Wilson* had, under his Hand, in Writing, proposed to assign over to Mr. *Edwards*, as a Composition for, and in full Discharge of, the said Sum of 24046 l. 4 s. the Sum of 10000 l. part of a larger Sum due to the said *Wilson*, from *Edward Poulter* of *Hackney*, and to pay to Mr. *Edwards* in Specie 1463 l. 2 s. 1 d. over and above the Sum of 560 l. then before paid to Mr. *Dormer*, in part of the said Composition; and Mr. *Hiccox*, in his Report, certified, that upon Consideration had of Mr. *Wilson's* Circumstances, and other Matters, he was of Opinion, that the accepting this Composition would be for the Benefit of the Person or Persons entituled to receive the same; the Consideration of which Report, upon the Petition of Mr. *Edwards*, on the 3d of *August* 1722, coming before the Lord Chancellor, he was pleased to confirm the same.

Mr. *Wilson*, in Pursuance of such Order, by an Instrument under his Hand, dated the 23d of *August* 1722, reciting the Assignment of the said Debt from Mr. *Dormer* to Mr. *Edwards*, and the Order of the 23d of *August* 1722; and that Mr. *Edwards* had thereupon agreed to accept the said Composition, accordingly, in Consideration thereof, assign'd over to Mr. *Edwards* 10000 l. part of the Sum of 22060 l. 12 s. 5 d. due to him from the said *Edward Poulter*, having, as the said Instrument expresses it, then already paid to Mr. *Edwards* the said other Sum 1463 l. 2 s. 1 d. and Mr. *Wilson* thereby promised to pay to Mr. *Edwards*, or his Order, the Sum of 10000 l. on his recovering such 22060 l. 12 s. 5 d. or otherwise to pay him a like Proportion of what he should recover, more or less, of the Sum, and promised not to incumber or discharge the Debt from Mr. *Poulter*, without the Consent of Mr. *Edwards*; and by the Instrument *Wilson* agreed, that if he did not, upon Demand, pay Mr. *Edwards* the before-mention'd Proportion of what he should recover from Mr.

Mr. *Poulter*, as aforesaid; or if he should any ways discharge the Demand he then had against Mr. *Poulter*, without Mr. *Edwards's* Consent, then the said Composition was to be void: And Mr. *Wilson* hereby likewise promised, that he would prosecute the said Suit against *Poulter*, at his own Expence, and do all other Acts that should be necessary for the better assigning to Mr. *Edwards* the before-mentioned Proportion of what he should recover from *Poulter*, as Mr. *Edwards* should require.

Mr. *Edwards* not only acknowledges to have received from Mr. *Wilson* the Sum of 1463 l. 2s. 1d. but also 1000 l. which was paid to him the 31st of *October* last, by Mr. *Wilson*, in part of the said Sum of 1000 l. and in the said Schedule mark'd N^o (4.) Mr. *Edwards* gives an Account of all the Monies which he has any ways received for answering the Debts due from Mr. *Dormer* to the Suitors of the Court, amounting to the Sum of 23058 l. 10s. 2d. Half-penny: And in the same Schedule there is likewise an Account of the several Sums which he has issued, to answer the Debts of the Suitors, in their respective Causes, amounting to 23725 l. 15s. 9d. Half-penny; which said Sum of 23725 l. 15s. 9d. Half-penny, being deducted from the aforesaid Sum of 49604 l. 11s. 11d. there appears to remain due to such Suitors as have paid in their Monies to Mr. *Dormer*, the Sum of 25878 l. 16s. 3d. Half-penny.

We have made the best Enquiry we could, to find what will remain of Mr. *Dormer's* Effects, to answer that Deficiency; and we examin'd both Mr. *Edwards* and Mr. *Wilson*, touching the remaining 9000 l. due from Mr. *Poulter*, and from their Information we find, that Mr. *Wilson* obtained a Judgment against Mr. *Poulter*, for 18000 l. and that Mr. *Poulter* was thereupon committed in Execution to the Marshal of the King's Bench, and that he has since made his Escape from thence, and is gone beyond Sea; since which Mr. *Wilson* has recovered a Judgment against the Marshal for the said Sum of 18000 l. in an Action of Escape, upon which Action there is now a Writ of Error depending; and we find that Mr. *Dormer* left an *Exchequer* Order of Survivorship of 100 l. per Annum, and a Debt of 79 l. due to him for Interest from the *Exchequer*; and are informed by Mr. *Edwards*, that he has left some Household Goods of the Value of 200 l. and upwards; and Mr. *Parkhurst* of *Lincoln's Inn*, Nephew to Mr. *Dormer*, has inform'd us, that he lock'd up, at his Uncle's Lodgings, several Papers relating to the Office; all which he did not inspect, but found there a Bond of 200 l. and some promissory Notes, not exceeding 100 l. and nothing else of any Value, as he remembers; these last mention'd Effects were not assign'd to Mr. *Edwards*, and no Administration has been taken to Mr. *Dormer*. This is the best Account we have been able to make of Mr. *Dormer's* Affairs, and of the Debt that remains due from him to the Suitors; but we cannot answer for the Exactness of this Account; nor do we think it can be properly stated, unless there had been an Administrator before us.

Mr. *Thurston* begins his Account from the 22d of *October* last, and charges himself with these following Effects, viz. as received from Mr. *Godfrey*, in Money and *India Bonds*, 4500 l. from Mr. *Bennet*, in Lottery Orders 1714, 820 l. and two long Annuities of 50 l. per Annum each, being part of the Effects of Mr. *Borret*, his immediate Predecessor.

Mr. *Thurston* having given in this small Sum, as the Effects of his Predecessor, we thought it our Duty to enter into a particular Enquiry of the State of that Office, and, we find, that Mr. *Borret* died the 10th of *July* last, intestate, and that no Administration has been taken out to him, and that he had made no regular Entries in his Books from the *Christmas* pre-

ceding his Death; we therefore sent to Mr. *Meller*, who was Predecessor to Mr. *Borret*, to know what Charge he had left upon him; and we find that Mr. *Borret* succeeded Mr. *Meller* on the 29th of July 1720, between which Time and the 12th of July 1723, Mr. *Meller* charges Mr. *Borret* to have paid him, at several Times, the Sum of 120,220 l. 7 s. 11 d. three Farthings, which Charge was made out in the Presence of Mr. *John Bennet* and Mr. *Thurston*, by Receipts under the Hand of Mr. *Borret*, and other proper Receipts and Vouchers, and by the Oath of Mr. *Tork*, who paid the greatest part of the Money to Mr. *Borret*. And we likewise ordered our Accomptant and Mr. *Borret*'s Clerk, to search his Books and Papers, to see how much he had issued to the Suitors, in Discharge of the Monies and Effects received from his Predecessor; and according to the best Information we could obtain, the Sum issued by him appear'd to be 77704 l. 14 s. 9 d. which being deducted out of the said Sum of 120,220 l. 7 s. 11 d. three Farthings, there remains a Charge of 42515 l. 13 s. 2 d. on Mr. *Borret*, from Mr. *Meller*. We likewise received an Account from Mr. *John Bennet*, of what Monies and Effects Mr. *Borret* had received, either by Deposits, or Orders of Court, in his own Time; and he informs us, that by the best Account he could make from his Books and Papers, the Ballance remaining in Money and Securities, would be 13534 l. 16 s. 11 d. so that by these Estimates, the total Charge on Mr. *Borret*, both in his Predecessor's Time and his own, amounts to 56050 l. 10 s. 1 d. Half-penny.

We then enquir'd what Effects Mr. *Borret* had to answer his Charge, and we found, that Mr. *John Bennet* and Mr. *Godfrey* had possessed themselves of the Effects mentioned in Mr. *Thurston*'s Particular, which they delivered to him; and likewise Mr. *Godfrey* possessed himself of several other Effects, which are lock'd up and remain with him in a Trunk, the Particulars of which we here mention'd in a Schedule to this Report, mark'd N^o (5.) which cannot be reduc'd to one Total, inasmuch as they consist chiefly in Annuities, of which there can be no certain Valuation. We have likewise received Certificates of his *South-Sea* and Bank Stock, amounting to 23085 l. 3 s. 6 d. Mr. *Bennet* and Mr. *Godfrey* told us, they believed his Effects, including all the Particulars before-mention'd, will amount to 44000 l. and upwards; but of what those Effects consist, we can make no farther Discovery than what we have laid before your Lordships; nor do we think that any proper Account can be made up till Administration is taken out to him.

Mr. *Trevor*, the Usher, begins his Account laid before your Lordships of what was in his Hands, of the 9th of December 1721, tho' he immediately succeeded *Matthew Bluck*, who died in October 1702; at whose Death the Demands of the Suitors of the Court amounted to 19000 l. and upwards; and he observing there was likely to be a Deficiency in Mr. *Bluck*'s Cash, as *Amicus Curie*, brought a Bill against the Widow and Heir of Mr. *Bluck*, praying, that they might make good, out of Mr. *Bluck*'s Estate, all Sums of Money due to the Suitors of the Court, at the Death of Mr. *Bluck*; and, upon the 7th of July 1708, obtained a Decree for that Purpose, which he hath laid before us.

Mr. *Trevor* informs us, that upon his Admission into his Office, he continued Mr. *Grimes* (who had been Deputy-Usher to Mr. *Bluck*) to act as his Deputy, but with special Directions to keep his Accounts and Cash separate and distinct from Mr. *Bluck*'s; but Mr. *Trevor* afterwards finding, that Mr. *Grimes* had not followed such Directions, about Christmas 1707, demanded an Account of the Money paid into his Hands since Mr. *Trevor*'s entering on his Office, which Mr. *Grimes* neglecting, or being

ing unable to do, Mr. Trevor filed his Bill against him for that Purpose, to which Mr. Grimes, by his Answer, swore, that he had paid Mr. Trevor's Cash towards the making good Mr. Black's Deficiency.

Mr. Grimes, about the latter End of the Year 1709, died insolvent, whereby Mr. Trevor became liable to pay the Suitors of the Court, what Mr. Grimes pretended to have issued out of the Money in Mr. Trevor's Hands, to make good Mr. Black's Deficiencies, amounting to 7932*l*. 7*s*. 2*d*.

Mr. Trevor having then given no Security to answer the Moneys paid to him, the Court, during such Interval, order'd it to be paid to the Masters.

After Mr. Black's Son and Heir came of Age, he, on the 20th of June 1723, obtained a Report from Mr. Godfrey and Mr. Kingston, (in whose Hands several Sums that had been raised by Sale of Mr. Black's Estate, had been deposited,) that there was in their Hands 5390*l*. Bank Annuit- ties, which was more than sufficient to answer the Debts of the Office, due from Mr. Black, the late Usher; by which Report, and other Proceed- ings, it appears none of Mr. Black's Cash did ever come to Mr. Trevor's Hands; and that the Debt of the Office, as it stood at Mr. Black's Death, is cleared.

On the 24th of November 1721, it was by Indenture agreed, between Sir Joseph Jekyll, the present Master of the Rolls, and Mr. Trevor, that the several Sums paid, or to be paid into his Hands, should be issued out to the respective Suitors of the Court, intituled to receive the same; and that Mr. Trevor should also deliver an Account to the Master of the Rolls within ten Days after every Term, of all such Sums so receiv'd and paid, which Articles are inrolled in Chancery, for safe Custody; to secure the Performance of which Articles, Mr. Trevor, by Indentures of Lease and Release, bearing date the 3d and 4th of November 1721, did Mortgage to the Master of the Rolls, Lands worth (as he inform'd us) 18000*l*. to be sold; and he, and his Brother Arthur Trevor, Esq. one of the Examiners in Chancery, on the 4th of October 1721, enter'd into a Recognizance of 20000*l*. each, to the Master of the Rolls, as a further Security for Per- formance of those Articles, which said Articles, Mortgage, and a Copy of the Recognizance, were laid before us.

On the 9th of December 1721, the Usher settled an Account with the present Master of the Rolls, for all the Monies that were then remaining in his Hands, belonging to the Suitors of the Court, which amounted to the Sum of 777*l*. 8*s*. 5*d*. three Farthings, and he has, ever since, con- stantly accounted with the Master of the Rolls, within ten Days after every Term, according to his Articles, and he has inform'd us, upon his Oath, that all the Moneys that he has at any Time received by Order of the Court, he has kept separately and distinctly, and has never made any private Profit or Advantage of the same, except the Sum of 22*l*. by South-Sea Bonds.

We can, in a few Days, if your Lordships require it, prepare a Book, wherein shall be set down under each Persons Name, a numerical List of his South-Sea, East-India Bonds; and likewise an Account of his Stocks, and a more large Account of his Ballance of Cash, with the Numbers, Dares and Contents of the Notes, in which he produced the same: And we beg Leave to conclude this Report with this one general Observation, that on inspecting the Books of the Masters, we find, that none of them, save Mr. Lighthourn, and Mr. Elde, have, in their Books, regularly placed the South-Sea and India Bonds, to the respective Causes; not in their Re- ports regularly mention'd such Securities, with their Numbers and Dates, sometimes they have done it in their Reports, but more frequently they have

have omitted it; from which there arises this manifest Inconvenience, that the Suitors of the Court cannot be ascertained, which of those Securities ought to be appropriated to them; to supply which Defect, those Masters who have not done it in their Reports, have undertaken to place their proper Securities to the respective Cause, and to fill a List of such Securities, which we have inspected, appropriating them particularly and distinctly to their respective Causes. This, we apprehend, will be a proper Method, in some Measure, to ascertain the present Securities to the Suitors, and to verify the Masters Charge delivered in to your Lordships; for if the Names of the Causes that every Master has delivered in, be published, the Suitors may have recourse to the List, and see if the proper Securities belonging to them be numerically appropriated; but whatever Care of this Kind be taken, yet both the Securities and Ballance will be still in their Power, to make use of at Pleasure; and if they, who give no Security, should dispose of the same, or if after their Death, the Effects of the Suitors should fall into ill Hands, we need not represent to your Lordships what Difficulties and Inconveniences would arise, and what Confusion there would be amongst the Suitors of the Court, to the great Obstruction of publick Justice.

All which we humbly submit to your Lordships great Wisdom.

Dec. 16, 1724. *Jess. Gilbert, Rob. Raymond, Wm. Thompson, Alex. Denton, Nath. Gould, John Hanger.*

William Kinaston, Esq., one of the Masters of the High Court of Chancery, makes Oath, that he has deliver'd a full Account of all the Causes in which he hath received Money, and the Securities belonging to those Causes, to the best of his Knowledge and Belief, except that in the Cause of *Atkins and Atkins*, there is an Error of $\text{£} 14 \text{ s. } 7 \text{ d.}$ in the Cash Account; and in the Account of *Price and Jones*, there is an Error of $\text{£} 1 \text{ s. } 6 \text{ d.}$ in the Cash Accounts, which Sums are due in these Causes, more than the Deponent hath charged himself with; and also except that in the Cause of *Musgrave and Parrey*, there is a Box in this Deponent's Chamber, which the Receiver, appointed in that Cause, has the Keys of, wherein there are (as this Deponent is informed) two Mortgages, and some other Securities; but the same now remains in the same Condition as they were delivered to this Deponent by his Predecessor; and this Deponent further saith, that the Notes, Money and Cash shown to the Judges, is his own proper Money and Effects, and at his own Disposal, to answer the Suitors of the Court, and not lent by any Person to answer this Purpose of accounting. And this Deponent further maketh Oath, that upon a careful Examination of the Account of the several Transactions between this Deponent and *Tho. Delabay, Esq.* deceased, and of the Receipts and Vouchers relating thereto, this Deponent verily believes, that the said *Mr. Delabay* was, at the Time of his Death, indebted to him, this Deponent, for *South-Sea* and Bank Stock, *South-Sea* and *East-India* Bonds and Cash, the several Sums of Money mentioned in this Deponent's Account, delivered in to *Mr. Baron Gilbert*, and others, in that Behalf appointed, and in a much greater Sum, over and above all Moneys received by this Deponent of the said *Mr. Delabay*, or for his Use, or by his Order, and over and above all Monies, for which this Deponent is any ways accountable to the said *Mr. Delabay*, as this Deponent verily believes.

Will. Kinaston, Fur. 17th die Decem. 1724. Coram Robert Holford.

A fur-

A further Satisfaction concerning the Ballance of Cash in Mr. Tho. Bennet's Office, amounting to 22894 l. 13 s. 5 d. Half-penny, as the same was given unto Mr. Baron Gilbert, and the rest of the Gentlemen appointed to inspect the Accounts of the Masters in Chancery, on the 10th of November 1724.

December 26, 1724, deposited with the Bank, by Order of the 17th Instant, in Bank Notes ——— } l. s. d.
5160 17 9

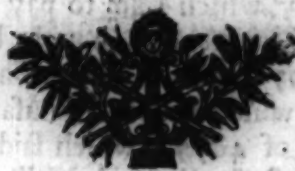
Delivered in a Declaration under my Hand, that there stands in my Name in the *South-Sea* Annuity Books, to answer Part of the Ballance of my Cash, and the Orders of the Court, viz. 3300 l. *South-Sea* Annuity ——— } 3500 00 0

Ditto 2000 l. Bank Stock ——— } 2640 00 0

Paid away and invested in Securities, to and for the Suitors, by Order of the Court, since the said 10th of November 1724, which I submit to my Post-Account, having not yet had Time to make out the same ——— } 2518 15 8½

December 28. Now as to the remaining Sum of 9075 l. which was then given in to be in the Hands of Persons of undoubted Substance and Ability to answer the same, I do declare, that 7500 l. part thereof (being part of the Money of the Suitors of the Court, in Mr. Hiccox's, my Predecessor's Hands, at the Time of his surrender) was retained by him, and still remains in his Hands, and was never paid over to me. And that 1575 l. the Residue thereof was deposited by me in the Hands of Mr. Cottingham, Secretary to the Right Honourable the Lord High Chancellor, for his Lordship's Use. And I humbly insist, that I ought not to be charged with the said Sum of 9075 l. as a Deficiency; but that the same ought (as Money belonging to the Suitors of the Court) to be answer'd by the Persons in whose Hands the same is still remaining ——— } 9075 00 0

22894 13 5½

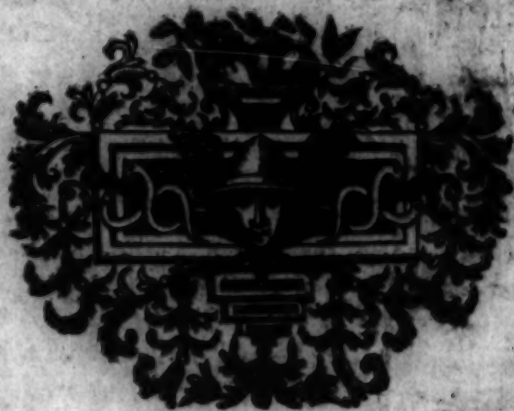


To Mr. Baron Gilbert, Mr. Justice Denton, Mr. Justice Raymond, Sir Nath. Gold, Mr. Thomson, and Mr. Hanger.

I Humbly beg Leave to represent to you, that in Obedience to my Lord Chancellor's Order of the 17th of December 1724, I deposited in a Chest at the Bank, the 24th Instant, what by the said Order is directed in Relation to me; that I have since received a Copy of an Order made by my Lord Chancellor, dated the 21st of December 1724, whereby it is order'd, that the respective Masters, whose Effects are order'd to be secur'd, do not amount to the whole Balance of the Cash admitted into their Accounts to be in their Hands, do forthwith secure the rest of the Balance of the Cash appearing to be due in their respective Accounts, by depositing in like manner Bank Notes, or other Effects, to the Amount thereof, or entering into Recognizance in a competent Sum of Money, with two or more Surities; by which Order I am obliged to explain to the Item of 7575 L. mentioned in that Account I deliver'd to you, of Money received by my Predecessor and me, and which I therein mention to be in the Hands of Persons of Ability, whose Names I desired to be excused naming to you, till I was legally obliged so to do. I therefore inform you, that 6000 L. part of the said Sum of 7575 L. being part of the Money of the Suitors of the Court, in Mr. Rogers, my Predecessor's Hands, at the Time of his Resignation, was retained by him, and still remains in his Hands, and never paid over to me. And that 1575 L. the Residue of the said Sum of 7575 L. was paid and accounted for by me, out of the Money belonging to the Suitors of the Court, into the Hands of Peter Cottingham, Esq; Secretary to the Right Honourable the Lord High Chancellor, for the Use of the Lord Chancellor; and I do humbly insist, that I ought not to be charged with the said Sum of 7575 L. as a Deficiency, but that the same ought, as Money belonging to the Suitors of the Court, to be answer'd by the Persons in whose Hands the same is remaining; and as to the Sum of 20850 L. 19 s. 2 d. mentioned in my Account, to make good the rest of my Balance, and to have been deposited or intrusted in the Hands of Mr. Delabay; I crave Leave further to inform you, that having perused your Report to the Committee of Council, I find it therein said, that you were informed by me, that there is no Declaration of Trust by the said Mr. Delabay, concerning any of the said Particulars therein mentioned to be intrusted with him, which Fact I presume to remind you, is an intire Mistake, because I did produce to you a Declaration in Writing, which I have still in my Custody, under the Hand of Mr. Delabay, in the Words following, viz. ' March the 16th, 1721, received
' then of William Kinaston, Esq; the Sum of three thousand eight hundred and fifteen Pounds, one Shilling and seven Pence Half-Penny,
' 3815 L. 1 s. 7 d. Half-penny, which I am to pay towards four thousand
' Pounds South-Sea Stock, next Monday, bought by Ed. Crule, for this
' Opening, after the Rate of 97 L. 3 8ths per Cent. and one thousand after
' the Rate of 98 L. per Cent. which said five thousand Pounds South-Sea
' Stock amounts to the Sum of 4875 L. which said Stock I shall take in
' my Name, and hold in Trust for the said William Kinaston, together
' with the Sum of two thousand five hundred Pounds already in Trust in
' my Name, for the said William Kinaston, makes the Sum of seven thousand five hundred Pounds, Tho. Delabay.' And as to the Sum of 2000 L.

in Bank Stock, I have an Account under Mr. *Delabay's* Hand, whereby he charges me with the Payments made upon Bank-Subscription for the said Sum, for my Use, which I take to be a good Declaration of Trust from Mr. *Delabay*, as to that Stock. And as to the Residue in *South-Sea* Bonds, *East-India* Bonds, and Cash, left in the said Mr. *Delabay's* Hands, you will be pleased to permit me to remind you, that I did produce to you four Notes under the Hand of Mr. *Delabay*, dated in *March* and *April* last, for 5507 l. 2 s. 6 d. in Bank and Cash Notes, 8000 l. in *South-Sea* Bonds, and 4000 l. in *East-India* Bonds. And I humbly desire and insist, that you report this my further Explanation of the Account of Mr. *Delabay*, to prevent any Injury which that Mistake in the Report may otherwise Occasion me. And as nothing but the sudden Death of Mr. *Delabay* intestate, has prevented my producing my Ballance of Cash in his Hands, according to the Order, I hope, that if I am able to give undoubted Satisfaction that the Effects remain there to answer the Suitors, that the Accident of his Death shall not turn to my Prejudice, so far as that the Sum in his Hands should be considered as a Deficiency; and the rather, because the Measures I have already taken, and am now carrying on, I doubt not but the same will be soon secured and forth coming, to answer the Demands of the Suitors of the Court.

F I N I S.



[Price One Shilling.]

*les prix se haussent à
des mauvais portiques*

